

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

ROGER M. HASELTON :  
:  
v. : Civil No. 1:06CV39  
STATE OF VERMONT, :  
TOWN OF FLETCHER, :  
and UNNAMED TRUSTEES :  
:

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RULING ON MOTION TO ALLOW NEW EVIDENCE  
(Paper 34)

On November 14, 2006, the Court affirmed, approved, and adopted the Magistrate Judge's Report and Recommendation, thereby resulting in dismissal of this case. See Judgment (Paper 32). Apparently overlooked prior to entry of the Judgment was the Plaintiff's "Motion to Allow New Evidence - Tax Demand Without Due Process of Law" (Paper 34), filed November 8, 2006.

Through this motion, the plaintiff asks the Court to consider newly discovered evidence. Since Judgment has been entered, the Court will construe plaintiff's motion as a request for relief from judgment. See Fed. R. Civ. P. 60(b) (2) (a court may grant relief from a judgment based upon "newly discovered evidence. . .").

As new evidence, the plaintiff has submitted a copy of a delinquent tax notice dated November 1, 2006 and allegedly received by him on November 7, 2006. This submission, however, does not constitute new information which would alter the conclusions of either the Magistrate Judge or this Court.

Plaintiff's Motion (Paper 34) is DENIED.

SO ORDERED.

Dated at Brattleboro, Vermont, this 22<sup>nd</sup> day of December,  
2006.

/s/ J. Garvan Murtha

J. Garvan Murtha

United States District Judge